



COMMONWEALTH OF MASSACHUSETTS  
EXECUTIVE OFFICE OF ENERGY & ENVIRONMENTAL AFFAIRS  
**DEPARTMENT OF ENVIRONMENTAL PROTECTION**  
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IAN A. BOWLES  
Secretary

LAURIE BURT  
Commissioner

February 21, 2008

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In the Matter of  
  
Sterry Street Auto Sales, Inc.

DEP Docket No. 2005-210  
DALA Docket No. DEP-07-145  
File No. PAN-SE-05-3E002  
Attleboro

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Final Decision

I adopt the Recommended Final Decision of the Administrative Magistrate, with the exception of the finding that the use of a lower figure within the range of gallons of spilled fuel “revealed a willingness to manipulate the data to obtain a specific result” and undermined the credibility of the Department’s witness. Recommended Final Decision at 11. Nothing in the administrative penalty regulations suggests that the Department is precluded from the exercise of discretion in selecting a penalty amount appropriate for a particular point in a range based upon the circumstances of a particular case.

The parties to this proceeding are notified of their right to file a motion for reconsideration of this Decision, pursuant to 310 CMR 1.01 (14)(d). The motion must be filed with the Docket Clerk and served on all parties within seven business days of the postmark date of this Decision. A person who has the right to seek judicial review may appeal this Decision to



the Superior Court pursuant to M.G.L. c. 30A, §14(1). The complaint must be filed in the Court within thirty days of receipt of this Decision.

**This final document copy is being provided to you electronically by the  
Department of Environmental Protection. A signed copy of this document  
is on file at the DEP office listed on the letterhead.**

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Laurie Burt  
Commissioner